

1 allegedly involving: **a danger to the community.**

2 () On the further allegation by the Government of:

3 1. () a serious risk that the defendant will flee.

4 2. () a serious risk that the defendant will:

5 a. () obstruct or attempt to obstruct justice.

6 b. () threaten, injure, or intimidate a prospective witness or juror or
7 attempt to do so.

8 C. The Government () is/ ~~X~~ is not entitled to a rebuttable presumption that no
9 condition or combination of conditions will reasonably assure the defendant's
10 appearance as required and the safety of any person or the community.

11
12 II.

13 A. ~~X~~ The Court finds that no condition or combination of conditions will
14 reasonably assure:

15 1. ~~X~~ the appearance of the defendant as required.

16 () and/or

17 2. ~~X~~ the safety of any person or the community.

18 B. () The Court finds that the defendant has not rebutted by sufficient
19 evidence to the contrary the presumption provided by statute.

20
21 III.

22 The Court has considered:

23 A. the nature and circumstances of the offense(s) charged, including whether the
24 offense is a crime of violence, a Federal crime of terrorism, or involves a minor
25 victim or a controlled substance, firearm, explosive, or destructive device;

26 B. the weight of evidence against the defendant;

27 C. the history and characteristics of the defendant; and

28 D. the nature and seriousness of the danger to any person or to the community.

1 IV.
2

3 The Court also has considered all the evidence adduced at the hearing and the
4 arguments and/or statements of counsel, and the Pretrial Services
Report/recommendation.

5 V.
6

7 The Court bases the foregoing finding(s) on the following:

8 A. As to flight risk: defendant has stated he
9 travels to Iraq and Afghanistan, which is
10 either true or calls into question his
11 stability.
12 Defendant has the ability to get around
13 security measures.

14

15 B. As to danger: witness in complaint saw
16 defendant, a felon, speaking around
17 security with a gun, with federal
18 agents and in federal buildings

21 VI.
22

23 A. The Court finds that a serious risk exists that the defendant will:
24
25 1. obstruct or attempt to obstruct justice.
26 2. attempt to/ threaten, injure or intimidate a witness or juror.

1 B. The Court bases the foregoing finding(s) on the following: _____
2 _____
3 _____
4 _____
5 _____
6 _____
7 _____
8 _____

9 VII.
10

11 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
12 B. IT IS FURTHER ORDERED that the defendant be committed to the
13 custody of the Attorney General for confinement in a corrections facility
14 separate, to the extent practicable, from persons awaiting or serving
15 sentences or being held in custody pending appeal.
16 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable
17 opportunity for private consultation with counsel.
18 D. IT IS FURTHER ORDERED that, on order of a Court of the United States
19 or on request of any attorney for the Government, the person in charge of
20 the corrections facility in which the defendant is confined deliver the
21 defendant to a United States marshal for the purpose of an appearance in
22 connection with a court proceeding.

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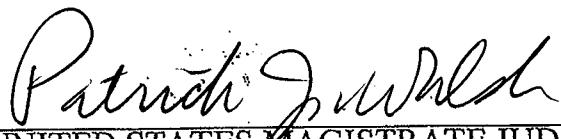
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DATED: 10/9/08


UNITED STATES MAGISTRATE JUDGE